

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

OSCAR GARNER,

Plaintiff,

v.

OFFICER KIRBY,

Defendant.

ORDER

Case No. 14-cv-545-jdp

Plaintiff Oscar Garner, a prisoner in the custody of the Wisconsin Department of Corrections, has filed a proposed civil complaint. Plaintiff requests leave to proceed without prepayment of the filing fee. Because plaintiff is a prisoner, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed *in forma paupers*, he will have to make an initial partial payment of the filing fee for this case. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a certified copy of his inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2).

For this case to proceed, plaintiff must submit the certified trust fund account statement no later than August 29, 2014. If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that plaintiff Oscar Garner may have until August 29, 2014 to submit a trust fund account statement for the period beginning approximately February 3, 2014 and ending approximately August 3, 2014. If, by August 29, 2014, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 11th day of August, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge